



ZONING BOARD OF APPEALS MEETING MINUTES

April 17, 2024, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

Phone: 845-354-0400 | Fax: 845-354-4097

MEMBERS PRESENT: Stefanie Collantes-Bouvry, Acting Chairwoman
Richard Weinberger, Member
Randi Marlin, Member
Stuart Zelmanovitz, Member
Barry Rozenberg, Ad Hoc
Anita Hajioff, Ad Hoc (Late)

ABSENT: Jonathan Gewirtz, Chairman

OTHERS PRESENT: Doris Ulman, Assistant Village Attorney
Alicia Schultz, Deputy Village Clerk

Chairwoman Collantes-Bouvry opened the meeting at 7:30 pm.

ITEM #1 –PUBLIC HEARING – 1 VILLA LANE

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Kalman Herschkowitz, the applicant's expeditor, was present and affirmed. Mr. Herschkowitz stated that this addition is 1000 square feet and if placed anywhere else could cause damage to the home. Mr. Herschkowitz mentioned that they are a family of 11, so they need more space to dwell. Mr. Herschkowitz stated that they are only requesting a single variance for a total of 12.2', as the minimum allowed is 50' and the applicant is proposing 37.8' with this addition.

Doris Ulman questioned why the addition sticks out and is not flush with the rest of the front of the home. Ms. Ulman stated that by the next meeting on May 15, 2024, the applicant should have an answer as to why the addition is being built in that manner.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

Nobody from the audience chose to speak.

Chairwoman Collantes-Bouvry made a motion to adjourn this application to the May 15, 2024 meeting, with a site visit on May 5, 2024, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

ITEM #2 –PUBLIC HEARING –6 TERRACE ROAD

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Kevin Conway, Esq., the applicant's attorney, Kevin Rodriguez, the applicant's Architect, and Mr. Buchinger, the applicant, were present and affirmed. Mr. Conway stated the property is an undersized lot and a handful of items on the bulk table are preexisting nonconforming, as the lot is about half the average size lot for the R-50 zone. Mr. Conway stated that the lots in the surrounding area are mostly undersized lots and require variances. Mr. Conway stated that they are demolishing the existing house and constructing a new one, but keeping the existing footprint. Mr. Rodriguez stated that most of the front yard impervious surface on Terrace Road is from the driveway and the covered front porch. Mr. Rodriguez stated that they are installing a drywell system to ensure no net increase in the runoff.

Richard Weinberger read the following review letters into the record:

1. New York State Department of Transportation
2. Rockland County Department of Planning
3. Rockland County Sewer District #1
4. Rockland County Center of Environmental Health

Mr. Conway stated that they will comply with all of the items in the County letters and will supply us with a response letter to the agency letters by the May 15th Zoning Board meeting.

Doris Ulman questioned if this property was part of an original subdivision by the Town of Ramapo. Ms. Ulman stated that the old Town survey may have smaller setbacks and therefore the requested variances may be smaller in size, if the established setbacks on the old map are lower. Barry Rozenberg questioned if they are knocking the entire home down, why did they not propose to move the home further back from the front property line, as it would not affect the rear setback and they would require one less variance. Mr. Buchalter stated that to comply with the request of his rear neighbor, as his lot is undersized as well, they placed the home where it is.

Baruch Klein, 8 Buena Vista Road, was present and affirmed. Mr. Klein stated that he lives to the rear of the applicant and does not object to the placement of the proposed home.

Chairwoman Collantes-Bouvry questioned if anyone else from the public would like to speak.

Nobody else from the public chose to speak.

Chairwoman Collantes-Bouvry made a motion to adjourn this application to the May 15, 2024 meeting, with a site visit on May 5, 2024, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

ITEM #3 - PUBLIC HEARING – 5 GLENBROOK ROAD

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Todd Rosenblum, the applicant's architect, was present and affirmed. Mr. Rosenblum stated that at the site visit, the Board will notice that this property is an oddly shaped lot. The variances required are, side

yard of 20 feet instead of the minimum required of 25 feet, total side yard of 53.6 feet instead of the minimum required of 60 feet and building coverage of .122 instead of the maximum permitted of .115. The fourth variance originally sought, front yard of 40 feet instead of the minimum required of 50 feet, has been eliminated due to the fact that the old Town of Ramapo approved plot plan, much like the last application, has a front yard setback “grandfathered in” at 40 feet.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

Nobody from the audience chose to speak.

Chairwoman Collantes-Bouvry made a motion to adjourn this application to the May 15, 2024 meeting, with a site visit on May 5, 2024, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

ITEM #4 – CONTINUED PUBLIC HEARING – 2 ARDLEY PLACE

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Doris Ulman stated that Paul Baum, the applicant’s Attorney, has submitted an email requesting an adjournment to the May 15, 2024 meeting.

Chairwoman Collantes-Bouvry made a motion to adjourn this application to the May 15, 2024 meeting, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

ITEM #5 – CONTINUED PUBLIC HEARING – 89 SPOOK ROCK ROAD

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Bassie Hurwitz, the applicant, was present and affirmed. Ms. Hurwitz stated that the Board was out to look at her property on April 7, 2024, and she showed the Board how changing the driveway would be inconvenient and make it difficult to maneuver vehicles. Ms. Hurwitz stated that leaving the driveway as it currently is, would not change the current zero net runoff and she has never had any flooding or drainage issues on the property in 17 years.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

Nobody from the audience chose to speak.

All parties wishing to be heard having been heard, Chairwoman Collantes-Bouvry made a motion to close the Public Hearing.

Stuart Zelmanovitz made a motion to approve the application, subject to compliance with the following Rockland County agency letters, seconded by Randi Marlin:

1. Rockland County Department of Planning
2. Rockland County Sewer District #1
3. Rockland County Highway Department
4. Rockland County Center of Environmental Health
5. Rockland County Drainage Agency

In the Matter of the Application of
Bassie Hurwitz
Premises situated on the west side of Spook Rock Road at
the intersection with Oren Court, known as 89 Spook
Rock Road, designated on the Tax Map as
Section 40.16 Block 1 Lot 10.21 in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Bassie Hurwitz for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the maintenance and use of a driveway to a single family residence having impervious surface ratio of .29 instead of the prior variance granted of .26, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on February 21, 2024, which hearing was continued on March 20, 2024 and April 17, 2024, respectively, and

WHEREAS, the applicant appeared in person and by her representative and testified as follows:

That a two lot flag-lot subdivision was granted by the Wesley Hills Planning Board in 2017 and several variances were granted at that time;

That the front lot which is the subject of this application and on which applicant resides, was created by that subdivision;

That one of the variances granted at that time was for impervious surface ratio of .26 for the front lot;

That a condition of the Planning Board subdivision approval was for applicant to saw cut a portion of the then-existing driveway on the front lot in order to achieve the .26 impervious surface ratio;

That the Planning Board has agreed to remove the aforesaid condition if the Zoning Board grants the additional variance to .29;

That to sawcut the driveway as required 'Will leave a large opening in the driveway that will make it difficult for applicant to tum vehicles around and could be a hazard for persons walking in that area;

That the additional impervious surface ratio is for an existing condition and applicant has not experienced flooding or drainage problems in the many years that the driveway has been in place; and

WHEREAS, members of the Zoning Board of Appeals visited the site and saw the areathat was to be sawcut; and

WHEREAS, no one appeared in opposition to the application;

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a Type II action and that no SEQRA determination is required, and be it further

RESOLVED, that the application submitted by Bassie Hurwitz for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the maintenance and use of a driveway to a single family residence having impervious surface ratio of .29 instead of the variance previously granted of .26 is hereby approved, subject to the following conditions:

1. Compliance with letter from Rockland County Planning dated February 8, 2024;
2. Compliance with letter from Rockland County Highway dated January 24, 2024;
3. Compliance with letter from Rockland County Drainage Agency dated January 30, 2024.
4. Compliance with letter from Rockland County Sewer District No. 1 dated January 25, 2024
5. Compliance with Rockland County Center for Environmental Health dated February 16, 2024; and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following Findings of Fact:

1. That the variance is for an existing condition driveway that became necessary because of the creation of a two-lot subdivision that reduced the size of the front lot on which the driveway was situated;
2. That the variance will not create a detriment to the environment or the ecology of the neighborhood;
3. That there has been no evidence of drainage or flooding problems caused by the existing driveway;
4. That the benefit to the applicant by granting the variance is substantial whereas no detriment to the neighborhood or the community has been identified.

Upon vote, this motion was carried unanimously.

ITEM #6 – CONTINUED PUBLIC HEARING – 7 ARDLEY PLACE

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Ryan Karben, the applicant's attorney, and Isaac Steinfeld, the applicant's contractor, were present and affirmed. Mr. Karben stated that the Board was out to the property on April 7, 2024 for a site visit. Mr. Karben stated that the applicant's engineer submitted information that there would be no impact on the land from the construction that was done, which unfortunately went beyond the approved variance by the Zoning Board.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

Sara Felberman, 5 Ardley Place, was present and affirmed. Ms. Felberman stated that in November 2022 they discovered a discrepancy with the filed map for #5 and #7 Ardley Place, and that the lot line in question is the side that the applicant needs a variance on. Ms. Felberman asked that the Board not make any decisions until the lot line discrepancy is settled, as the area in question is 1,300 square feet.

Mr. Steinfeld stated that CivilTec Engineering sent a letter to the Board stating that the calculation they came up with for square footing of the property on November 21, 2022, of 35,277 square feet was incorrect, and the correct square footage of the property is 36,542 square feet, the calculation submitted on this Zoning Board application.

There was discussion amongst the Board members as to whether a decision can be made when there is a boundary dispute as it relates to the property.

Doris Ulman requested that Mr. Karben provide a memorandum of law to the Board, as to whether the Zoning Board of Appeals has authority to make a decision when there is a boundary dispute.

Chairwoman Collantes-Bouvry made a motion to adjourn this application to the May 15, 2024 meeting, with a site visit on May 5, 2024, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

ITEM #7 – CONTINUED PUBLIC HEARING – 53 GRANDVIEW AVENUE

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Stanley Mayerfeld, the applicant's architect, was present and affirmed. Mr. Mayerfeld stated that this is the second renovation they are doing to the home and is for a covered front porch. Mr. Mayerfeld stated that it is intended to be used mostly for a safe place for children to wait for the bus as it is a main county road that can be very dangerous at times.

Richard Weinberger read the following review letter into the record:

1. Rockland County Highway Department
2. Rockland County Department of Planning
3. Town of Ramapo Department of Public Works
4. Rockland County Sewer District #1
5. Rockland County Center of Environmental Health

Mr. Mayerfeld stated that they will not comply and will not be preparing a new drainage report for the Rockland County Highway Department letter, as they do not require a permit from them.

Stuart Zelmanovitz stated that at the site visit on April 7, 2024, he noticed that there is plenty of screening on the property, so you will more than likely not be able to see the covered porch once it is constructed.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

All parties wishing to be heard having been heard, Chairwoman Collantes-Bouvry made a motion to close the Public Hearing.

Chairwoman Collantes-Bouvry made a motion to approve the application, subject to compliance with the Rockland County agency letters, seconded by Barry Rozenberg:

In the Matter of the Application of Shalom Moskowitz
Premises situated on the north side of Grandview
Avenue approximately 270 feet west of Sansberry Lane,
known as 53 Grandview Avenue, designated on the Tax
Map as Section 41.16 Block 2 Lot 23, in an R-3S
Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Shalom Moskowitz for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a front porch to an existing single family residence having a front yard of 43 feet instead of the minimum required of 50 feet and building coverage of .13 instead of the maximum permitted of .10 and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on March 20, 2024, which hearing was continued on April 17, 2024, and

WHEREAS, the applicant appeared by his architect, who testified as follows:

That the front porch is being constructed primarily so that applicant's children will have a safe place to wait for the school buses and carpool out of the rain;

That Grandview Avenue is a very busy, dangerous road;

That there is screening at the front of the property of evergreen trees that will block the view of the front porch to some extent;

That applicant does not need a County Highway Department work permit so does not have to comply with the County Highway's request for a new drainage report; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the location of the proposed front porch and the front yard screening; and

WHEREAS, no one appeared in opposition to the application,

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a Type II action and that no SEQRA determination is required, and be it further

RESOLVED, that the application submitted by Shalom Moskowitz for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a front porch to an existing single family residence having a front yard of 43 feet instead of the minimum required of 50 feet and building coverage of .13 instead of the maximum permitted of .10 is hereby approved, and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following Findings of Fact:

1. That the variances are not substantial in relation to the requirement, the front yard variance being less than 20% and the building coverage variance being 30%;

2. That the front yard screening will screen most of the porch so that the impact to the front yard will be minimal;

3. That the need for the variances is one of safety and the granting of the variances will not change the character of the neighborhood nor be detrimental to adjacent properties or to the community;

4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to the neighborhood or to the community has been identified.

Upon vote, this motion was carried 4-0. Randi Marlin and Richard Weinberger abstained.

ITEM #8 – CONTINUED PUBLIC HEARING – 49 TRANQUILITY ROAD

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Stanley Mayerfeld, the applicant's architect, was present and affirmed. Mr. Mayerfeld stated that this is a very odd shaped property and most of the property is in the wetland and that at the site visit on April 7, 2024, it was apparent to the Board that any addition to the home no matter where they decide to put it, would require a wetlands permit as it would be within the 100-foot wetlands buffer area. Mr. Mayerfeld also stated that the Planning Board already granted the applicant the required wetlands permit for the proposed addition. Mr. Mayerfeld stated that there is no additional impervious surface because the driveway area is being used for the addition.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

Nobody from the audience chose to speak.

All parties wishing to be heard having been heard, Chairwoman Collantes-Bouvry made a motion to close the Public Hearing.

Randi Marlin made a motion to approve the application, seconded by Anita Hajioff:

In the Matter of the Application of
Isaac Wieder
Premises situated on the west side of Tranquility
Road approximately 1000 feet south of Joy Road,
known as 49 Tranquility Road, designated on the
Tax Map as Section 41.09 Block I Lot 28, in an
R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Isaac Wieder for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having a front yard of 46.7 feet instead of the minimum required of 50 feet and front yard impervious surface ratio of .228 instead of the maximum permitted of .20, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on March 20, 2024, which hearing was continued on April 17, 2024, and

WHEREAS, the applicant appeared by his architect, who testified as follows:

That the addition is being constructed over a pre-existing section of the driveway so that there is actually a reduction in impervious surface ratio;

That *this* is an odd-shaped property and a portion of the property is actually in the Willow Tree Pond so that almost all of the property *is* in the wetlands;

That the applicant has already received a Wetlands Permit from the Wesley Hills Planning Board for the addition;

That there is natural screening on the property so that adjoining properties will not be impacted by the addition; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the property's location on the water and that neighbors will not be impacted because of the screening; and

WHEREAS, no one appeared in opposition to the application,

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a Type II action and that no SEQRA determination is required., and be it further

RESOLVED, that the application submitted. by Isaac Wieder for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having a front yard of 46.3 feet instead of the minimum required of 50 feet and front yard impervious surface ratio of .228 instead of the maximum permitted of .20 is hereby granted, and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following Findings of Fact:

1. That the front yard of this property is on the water not on the road so that the usual impact of a front yard variance does not exist;
2. That the variances are not substantial in that they are both less than 10%;
3. That the variance for front yard impervious surface ratio is actually a reduction of the existing ratio since the addition is being constructed on a portion of the existing driveway;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to neighboring properties or to the community has been identified.

Upon vote, this motion was carried unanimously.

ITEM #9 - APPROVAL OF MINUTES – MARCH 20, 2024

Chairwoman Collantes-Bouvry made a motion to approve the March 20, 2024 minutes, seconded by Barry Rozenberg. Upon vote, this motion was carried unanimously.

ADJOURNMENT

Chairwoman Collantes-Bouvry made a motion to adjourn the meeting, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

Respectfully submitted,
Alicia Schultz